

MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY MICROSOFT TEAMS on WEDNESDAY, 21 SEPTEMBER 2022

Present: Councillor Liz McCabe (Chair)

Councillor Jan Brown
Community Councillor Linda
Divers

Community Councillor Guy Knight
Councillor Luna Martin

Attending: Shona Barton, Committee Manager (Independent Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APPOINTMENT OF CHAIR

The Committee Manager welcomed everyone to the meeting and invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Liz McCabe as Chair of this Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. COVE & KILCREGGAN COMMUNITY COUNCIL - COMPLAINT REFERRAL
(Pages 5 - 8)

The Committee Manager referred to the minutes of the Cove & Kilcreggan Community Council meeting held on 12 July 2022 which had been issued with the Agenda pack, and advised that these had been amended following the Cove & Kilcreggan Community Council meeting held in September 2022. She asked the Panel whether they would wish to admit this amended version of the minutes for consideration. The Panel unanimously agreed to admit this amended version of the minutes into the process and a copy of these were shared on screen to the Panel. It was noted that amendments had been made at items 2a and 5 of the minute.

Having assumed the role of Chair, Councillor McCabe advised that her first task was to establish whether members of the Panel had sufficient information before them to discuss and determine the subject of the complaint. The Panel agreed that they had sufficient information before them to discuss and determine the subject of the complaint.

It was noted that the Council had received a number of similar complaints which related to the behaviour of a member of Cove & Kilcreggan Community Council. Given the number of complaints these were referred to the Conduct Review Panel for consideration.

Consideration was given to a report providing information of the detail contained within the complaints, the response to the complaints from the individual Community Councillor and the detail on the procedure to be followed by the Panel in terms of dealing with the referrals.

Complaints from Mr Alistair Lamont, Mr Derek Fowlis and Mr John Auld

The Panel noted that the complaints from Mr Lamont, Mr Fowlis and Mr Auld related to the conduct of Mr McLean at the Community Council meeting held on 12 July 2022. The Panel unanimously agreed that Mr McLean had breached the code of conduct for Community Councillors relating to the principle of Respect. They agreed that his behaviour and language used at the Community Council meeting had been inappropriate. They noted that Mr McLean had admitted to the comments and language he had used at the meeting.

Councillor Martin advised that it was her opinion that Mr McLean had also breached the Code of Conduct for Community Councillors in terms of the principle of Objectivity. She felt that Mr McLean had not set aside any personal opinions during the Community Council meeting on 12 July 2022. This view was not supported by the other Members of the Conduct Review Panel.

The Panel expressed their concern about how the Community Council meeting had been conducted and suggested that it would be beneficial if the Community Council were to receive training on the running of Community Council meetings.

Complaint from Mr Robert MacIntyre

In terms of the complaint from Mr MacIntyre, the Panel considered the circumstances which led to his complaint. The Panel were of the view that the complaint had not been substantiated and agreed that the complaint should not be upheld. The Panel noted from the minutes of the Community Council meeting held on 12 July 2022 that the Community Council had noted the objection to the planning application and they noted from Mr McLean's submission that he had submitted the objection on behalf of the Community Council. Reference was made to the objection being sent from Mr McLean's personal email address and it was noted that not every Community Councillor had a Community Council email address.

Decision

Having considered the information before them, the Community Council Conduct Review Panel agreed:

1. that in relation to the complaints submitted by Mr Alistair Lamont, Mr Derek Fowlis and Mr John Auld these were substantiated and upheld;
2. that on the balance of probabilities, Mr James McLean had breached the Code of Conduct for Community Councillors in terms of the principle of Respect;
3. to impose the following sanctions on Mr McLean as set out on the Scheme for the Establishment of Community Councils in Argyll and Bute 2018 –
 - Paragraph 13.5.2 – to issue a formal written warning to Mr McLean
 - Paragraph 13.5.3 – to suspend Mr McLean from Cove & Kilcreggan Community Council with immediate effect for the remaining term of the Community Council ie till 19 October 2022.

4. that the complaint submitted by Mr Robert MacIntyre was not substantiated and not upheld; and
5. that the Committee Manager should write to the Community Council Liaison Officer to advise of concerns expressed by the Panel regarding the management of Cove & Kilcreggan Community Council meetings with the suggestion that training on the conduct of meetings would be beneficial.

(Reference: Report by Committee Manager dated 21 September 2022 and Amended Minutes of Cove & Kilcreggan Community Council dated 12 July 2022, tabled)